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MEMORANDUM TO
THE HONORABLE JOHN GLEESON
United States District Judge

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **SEP 08 2011** ★

RE: Betim Kaziu
DOCKET #: 09-CR-660
FOR SENTENCE: November 4, 2011

BROOKLYN OFFICE

DELAY IN PRESENTENCE INVESTIGATION

The defendant was found guilty by jury verdict on July 7, 2011, and is the subject of a presentence investigation assigned to Senior U.S. Probation Officer Michelle Espinoza.

The undersigned and Defense Counsel scheduled presentence interviews for the defendant on three occasions; the first interview was scheduled in the U.S. Marshals pens, while the other two interviews were scheduled at the Metropolitan Correctional Center (MCC) in New York, New York. The defendant did not attend the first interview on August 8, 2011, and declined to be interviewed at the time of the second appointment on September 6, 2011. He stated that he had not prepared for the interview. To allow for preparation, the undersigned advised him of the questions which would be asked during the presentence interview. The third attempt to interview the defendant occurred on September 23, 2011, at the MCC; however, he again declined to be interviewed. As such, we request guidance from the Court as to whether we should complete the presentence report without conducting the presentence interview.

RESPECTFULLY SUBMITTED,

EILEEN KELLY
CHIEF U.S. PROBATION OFFICER

Prepared By:

Michelle Espinoza
Senior U.S. Probation Officer
347-534-3757

Date: September 28, 2011

cc: David Stern, Esq. (Defense Attorney)
Seth DuCharme, Esq. (Assistant United States Attorney)

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☒ Complete The Presentence Report Without Interviewing The Defendant
As soon as possible please

Special Instructions: _____

s/John Gleeson

The Honorable John Gleeson
United States District Judge

9/27/11

Date